

## REMARKS AND CONCLUSIONS

### *Claims Status and Amendment*

Claims 1-72 and 136-138 have been canceled, and claims 139-140 have been added. Claims 73-135 and new claims 139 and 140 remain in the application. Claims 73-76, 105-107 and new claims 139 and 140 belong to the elected Group III. Claims 77-104 and 108-135 belong to Group IV which should be rejoined as discussed below.

Support for new claims 139 and 140 which gives examples of derivatives of gallic acid, can be found, for example, in the specification, paragraphs [0003], [0034], Example 18, Example 19, and Example 23, and in claims 14, 29, 76, and 107 as originally filed.

### *Response and Traversal to Restriction Requirement*

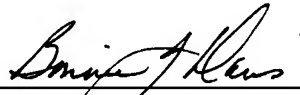
The Office entered a five-way restriction requirement. Claims corresponding to Groups I, II and V are cancelled. Applicants traverse the restriction requirement as applied to Groups III and IV. Group III consists of two sets of product claims, one set directed to extracts of pomegranate (Claims 73-76) and one set directed to extracts of black raspberry (Claims 105-107). Group IV consists of two sets of method claims directed to the use of the product claims of Group III—Claims 77-104 directed to methods of use for the extracts of pomegranate and Claims 108-135 directed to methods of use for extract of black raspberry. If the product claims of Group III are allowed, the process claims of Group IV which include all the limitations of the product claims should be rejoined pursuant to MPEP §821.04 and the procedures set forth in the *Official Gazette Notice* dated March 26, 1996 (1884 O.G. 86). Section 821.04 states: "If applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

An election of species was also required but the Claims listed for Group III were not assigned to a species group. In an abundance of caution, Applicants elect the species of an extract of black raspberry as in Claims 105 to 107, with the additionally added compound of a derivative of gallic acid, e.g., ellagic acid. Claims that read on the selected species are claims 105, 106, and new claim 140.

### **Conclusion**

Rejoinder of Groups III and IV and allowance of product claims 73-76 and 105-107, along with process claims using the products (claims 77-104 and 108-135), at an early date is respectfully requested.

Respectfully submitted,



---

Bonnie J. Davis  
Registration No. 41,699  
Taylor, Porter Brooks & Phillips, L.L.P.  
P. O. Box 2471  
Baton Rouge, LA 70821

August 21, 2008